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Common Carrier Bureau
Network Service Division
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Florida Public Service Commission's)

Petition to Federal Communications)

Commission For Expedited Decision For)

Grant of Authority to Implement Number)

Conservation Measures)

NSD File No. L-99-33

CC DOCKET: 96-98

BELLSOUTH REPLY

BellSouth Corporation,¹ on behalf of itself and its affiliated companies (BellSouth), by counsel, hereby replies to the comments filed in response to the Public Notice concerning the issues raised in Petitioner's request for delegated authority to implement various number conservation measures.²

The comments are so nearly duplicative of comments already filed elsewhere that reply comments filed recently by AT&T in connection with similar petitions are generally apt here.³

There, AT&T showed that (1) the comments filed by various state commissions in support of the

¹ BellSouth Corporation (BSC) is a publicly traded Georgia corporation that holds the stock of companies which offer local telephone service, provide advertising and publishing services, market and maintain stand-alone and fully integrated communications systems, and provide mobile communications and other network services world-wide.

² *Common Carrier Bureau Seeks Comment on the Florida Public Service Commission's Petition for Authority to Implement Number Conservation Measures*, NSD File No. L-99-33, Public Notice DA 99-725 (April 15, 1999) (*Public Notice*).

³ *In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, and New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, NSD File Nos. 99-19, 99-21, Reply Comments of AT&T Corp. on Petitions for Waiver (April 27, 1999) (AT&T Reply Comments).

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petitions brought no new information to light, and provided no basis for revisiting the issues settled in the *Pennsylvania Order*;⁴ (2) commenters claiming to support one or more of the specific requests for expanded jurisdiction qualified such support so strongly as to militate against granting any portion of the petitions; and (3) MCI Worldcom's attempts to support state experimentation with unassigned number porting (UNP) while urging the FCC to set a national numbering policy would frustrate the development and implementation of national standards.⁵ On the basis of the record developed in this proceeding, the FPSC Petition should be denied.

The Commission should reject MediaOne's call for mandatory number pooling. MediaOne does not offer any reason why the Commission's firm decision in the *Pennsylvania Order* not to delegate to state commissions additional authority to implement and enforce standards for number pooling until the uniform national standards for number pooling are in place.⁶ It is generally recognized and accepted by this Commission and the telecommunications industry that number pooling is not a substitute for area code relief in exhaust situations.⁷ Indeed, if number pooling is to have any real utility, it needs to be

⁴ *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009 (1998) (*Pennsylvania Order*).

⁵ AT&T Reply Comments at 2-4. See also PrimeCo Comments at 12 ("The FPSC has presented nothing new for the record here.").

⁶ *Pennsylvania Order* at 19028.

⁷ *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, NSD File No. L-97-42, CC Docket 96-98, New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures (February 19, 1999) at 8.

implemented at the earliest possible moment in the “life” of an NPA, and not at a point near to or at actual area code exhaust.⁸

Indeed, this Commission has stated that number pooling is not a substitute for area code relief because, at this time, it does not provide sufficient assurance that all telecommunications carriers will have access to numbering resources.⁹ Thus, MediaOne’s qualification that state plans for mandatory number pooling must be “non-discriminatory and competitively neutral” cannot, as a practical matter, be implemented at the present time.¹⁰

If and when number pooling is implemented, it must be done in a controlled manner so that the results of pooling can be properly assessed to ensure that the benefits derived from pooling are truly in line with the costs incurred. This can only be accomplished if national standards and guidelines are in place and the industry continues to focus on a national solution. Allowing individual states to mandate pooling before the proper assessment can be conducted and before national standards are in place will only hinder the ultimate goal of meaningful number optimization.¹¹

No commenter supports the FPSC’s oblique request for authority to mandate hundreds-block number pooling. Thousands-block pooling offers a potential solution to number administration and assignment problems caused by relatively inefficient utilization of NXX codes in a competitive wireline telecommunications market by creating a reservoir of numbers,

⁸ *Initial Report to the North American Numbering Council (NANC) on Number Pooling, Version 2* (Dec. 4, 1997), p. 45, § 14.0.

⁹ *Pennsylvania Order* at 19028.

¹⁰ MediaOne Comments at 4. *See also* AT&T Reply, n. 4, *infra*, at 3, on a similar proposal by MediaOne.

¹¹ USTA Comments at 8, SBC Comments at 3.

within each rate center, to fill service provider demand. Thousands-block pooling, rather than hundred-block number pooling, should be deployed in targeted, limited trials. The industry needs to focus its resources on one methodology in order to ensure proper implementation. On various occasions, and in various forums, the industry has agreed that thousands-block pooling is the form of pooling that should be implemented. Hundred-block telephone number pooling will be much more expensive, and will take much longer to implement. Only after uniform standards are adopted can the initial implementation of thousands-block pooling begin. It is only after additional trials of thousands-block pooling have been conducted, and after additional data has been collected, that any incremental benefits of individual telephone number pooling can be evaluated in light of the costs of implementation.

The Commission should reject MCI's contention that any benefits of hundreds-block pooling can be obtained from UNP. SBC correctly notes that UNP, along with extended central office code rationing, are "clearly and unequivocally integrally part of number administration," are "not effective means to accomplish number conservation," and should not be permitted "under any circumstances."¹² As Bell Atlantic explains, the Commission should not permit any state to require UNP because it is inconsistent with, and would divert industry and regulatory resources from, thousand-block pooling.¹³ This is because many elements of UNP are not well understood, and applicable processes have not been developed.¹⁴ Granting the requested relief for UNP would violate the national uniformity principle articulated in the NANC Report.¹⁵

¹² SBC Comments at 3.

¹³ Bell Atlantic Comments at 3.

¹⁴ USTA Comments at 8.

¹⁵ Level 3 Communications Comments at 10.

The porting of unassigned telephone numbers is simply not a number conservation measure. Both the INC and CLC Ad Hoc Committee on Short Term NXX Exhaust concluded that unassigned number porting was not a number conservation method and that it was not worthy of further evaluation. The NANC Report states that individual telephone number pooling will require four to six years before it can be implemented.¹⁶ To allow states to implement UNP will only divert resources currently working on thousands-block pooling. In addition, UNP will make it difficult for carriers to keep blocks of numbers uncontaminated which could limit block donation when thousand-block pooling begins.¹⁷

UNP cannot be implemented in the current environment in a manner that is not anticompetitive. Unassigned number porting does not allow any service provider inventory. While this is bad for all carriers, it is particularly critical to wireless carriers, whose subscribers are accustomed to and expect instant activation. Unassigned number porting will, if implemented, cause chaos in the industry. It will result in poor forecast data because carriers would be required to take into account possible number "raiding" from other carriers, and thus be incented to pad forecasts. This in turn could actually accelerate NXX exhaust. In addition, unassigned number porting could further result in contests among carriers for vanity numbers. It is a largely manual process and is prone to systemic error. It simply adds no value in an NPA

¹⁶ *Number Resource Optimization, Working Group, Modified Report to the North American Numbering Council on Number Optimization Methods* (October 20, 1998) at 46, § 4.3 (NANC Report).

¹⁷ In this regard, the FPSC proposal appears to be at odds with its efforts to mandate, at the state level, that carriers assign telephone numbers sequentially out of thousands blocks, presumably to preserve those blocks for number pooling. Florida Public Service Commission Memorandum, Docket No. 990373-TP, Staff Emergency Recommendation (March 25, 1999) at 6.

jeopardy situation and should never be deployed. The Commission should reject MCI's arguments regarding UNP.

MCI contends that the Commission should authorize the FPSC to conduct a trial of thousands-block pooling that uses NPAC release 3.0, when it is ready for testing and adheres to all national guidelines. These conditions should, at a minimum, apply to any pooling trial. However, the both the FPSC and this Commission should understand that the current status of NPAC release 3.0 is only part of the overall picture, and unrealistic implementation time frames should not be assumed. None of the regional number portability limited liability corporations (LLC), including the LLC for the Southeast NPAC Region covering Florida, have begun negotiating with the regional LNPA, Lockheed Martin, on version 3.0 of the software. Indeed, the Statement of Work (SOW) for NPAC Release 3.0 was not available to the industry until mid-May of 1999. The first meeting between the LNPA and the Southeastern LLC to discuss the SOW is scheduled for mid-June. Negotiations with the NPAC/SMS vendor must be conducted carefully and prudently and must not be rushed in order to meet an arbitrarily accelerated pooling trial deadline.

The Commission should reject MediaOne and Level 3's support of a grant of additional authority for code reclamation and extended rationing. Under the Commission's existing rules, a state commission may order NXX rationing only if it has ordered relief and established an implementation date, and the industry is unable to agree on a rationing plan.¹⁸ If the state has not yet chosen a relief method and established a relief date, the NXX code administrator and the industry should devise the jeopardy conservation or rationing measures, consistent with current

¹⁸ *Pennsylvania Order* at 19026-27.

industry practice.¹⁹ Level 3 has offered no rationale as to why this rule needs to be changed. It may well be that the NXX administrator and the industry in Florida, together with the FPSC in attendance and participating at industry meetings in which discussions on various rationing plans take place, will decide to revise rationing measures or to implement lotteries.

Similarly, no commenter offers any reason why NXX code reclamation authority should be removed from the NXX code administrator. The FCC rejected the PSUC's attempt to order the same measures.²⁰ Moreover, the current Central Office Code Assignment Guidelines provide for reclamation of NXX Codes.²¹ These Guidelines require entities to return NXX codes to the administrator if the code is no longer needed by the entity for the purpose for which it was originally assigned; if the service for which it was assigned is disconnected; or if the code is not activated within six months.²² BellSouth agrees with the FPSC that central office codes should be reclaimed under the industry guidelines, but disagrees that the FPSC, and not the NANPA, should be responsible for such reclamation. The Commission should dismiss the FPSC Petition on this point, but make clear that the NANPA is expected to strictly enforce the industry reclamation guidelines.

No commenter has advanced any reason why the current rules allowing the industry in conjunction with the NANPA, and not, except in carefully limited circumstances, the state, should decide on NXX rationing measures. In BellSouth's experience, it is the actual rationing

¹⁹ *Id.*

²⁰ *Id.* at 19031-32.

²¹ Industry Numbering Committee Central Office Code (NXX) Assignment Guidelines, (April 1997) at 13-15, §§7.0-7.3.

²² *Id.*

of codes itself that creates pent-up demand.²³ When rationing is discontinued after an artificially prolonged period, as suggested in the FPSC Petition, demand becomes peaked due to pent up demand. Further, the rationing of codes in an NPA that is not in jeopardy may deny carriers the codes they need to effectively compete in the marketplace.

Finally, a number of commenters point out that the FPSC can explore rate center consolidation without seeking additional authority from the FCC.²⁴ As USTA points out, however, rate center consolidation is not a short-term relief measure.²⁵ Rate center consolidation must be undertaken cautiously, both with respect to the revenue impacts on existing carriers and with respect to potential post-consolidation area code relief activity.²⁶ In the meantime, nothing in the comments filed in this proceeding indicate that Florida's current numbering situation cannot be adequately addressed by the industry through consensus solutions developed according to existing guidelines.

²³ For this reason, BellSouth urges the Commission to act on BellSouth's longstanding petition for clarification of the *Second Local Competition Order's* NXX rationing requirement.

²⁴ PrimeCo Comments at 19, SBC Comments at 2, n.2, USTA Comments at 6.

²⁵ USTA Comments at 6.

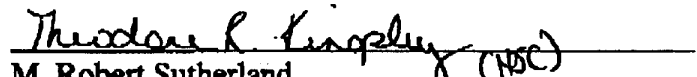
²⁶ Level 3 Communications Comments at 6, Emergency Joint Petition of ALTS, ELI, GST, MCI Worldcom and Winstar for Suspension of Phoenix Area Code Relief Plan, or in the Alternative, Other Relief, CC Docket 96-98, (April 1, 1999).

CONCLUSION

The comments that support the FPSC Petition in full or part cannot overcome the persuasive authority of those commenters that demonstrate that the instant petition should be denied as a matter of law and of sound national policy.

Respectfully submitted,

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Date: May 28, 1999

CERTIFICATE OF SERVICE

I do hereby certify that I have this 28th day of May, 1999, served the following parties to this action with a copy of the foregoing **BELLSOUTH REPLY**, reference NSD-L-99-33, by hand delivery or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties as set forth on the attached service list.

A handwritten signature in cursive script, appearing to read "Lenora Biera-Lewis", written over a horizontal line.

Lenora Biera-Lewis

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